

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention

Magnetic Resonance Imaging Interference Immune Device

As the below named inventor(s), I/we declare that:

This declaration is directed to:



The attached application, or



Application No. _____, filed on _____,



as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Robert W. GraySignature: *Robert W. Gray* Citizen of: USInventor two: Paul G. Simpson IIISignature: _____ Citizen of: USInventor three: Michael L. WeinerSignature: *[Signature]* Citizen of: US

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention	Magnetic Resonance Imaging Interference Immune Device
---------------------------	--

As the below named inventor(s), I/we declare that:

This declaration is directed to:

☒ The attached application, or

☐ Application No. _____, filed on _____,

☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Robert W. Gray

Signature: _____ Citizen of: US

Inventor two: Paul G. Simpson III

Signature: Paul G. Simpson III Citizen of: US

Inventor three: Michael L. Weiner

Signature: _____ Citizen of: US

Inventor four: _____

Signature: _____ Citizen of: _____

☐ Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	Filed Herewith
Filing Date	Herewith
First Named Inventor	Robert W. Gray
Title	See I in Addendum
Art Unit	
Examiner Name	
Attorney Docket Number	10080143010201

I hereby appoint:

☐ Practitioners at Customer Number:

OR

☒ Practitioner(s) named below:

Name	Registration Number
Duane C. Basch	34,545
Michael J. Nickerson	33,265

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☒ The address associated with Customer Number:

37211

OR

☐ Firm or Individual Name

Address

Address

City

State

Zip

Country

Telephone

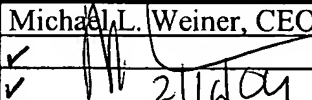
Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	Michael L. Weiner, CEO, Biophan Technologies, Inc.		
Signature			
Date	2/16/04	Telephone	(585) 214-2441

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert W. Gray, et al.Application No./Patent No.: Filed Herewith Filed/Issue Date: HerewithEntitled: Magnetic Resonance Imaging Interference Immune DeviceBiophan Technologies, Inc.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.**OR**B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

✓ 2/16/04

Date

(585) 214-2441

Telephone number

Michael L. Weiner

Typed or printed name

✓ [Signature]

Signature

CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Applicant or Patentee: **Robert W. Gray et al.**

DOCKET: 1008 014 301 02 01

Serial or Patent No: **Filed Herewith**

Filed or Issued: **Herewith**

Title: **"Magnetic Resonance Imaging Interference Immune Device"**

ASSIGNMENT

WHEREAS, **Robert W. Gray of Rochester NY 14620 and Michael L. Weiner of Webster NY 14580** have invented certain new and useful improvements in **"Magnetic Resonance Imaging Interference Immune Device,"** for which an application for Letters Patent of the United States has been executed of even date herewith; and

WHEREAS, **Biophan Technologies, Inc. of West Henrietta NY 14586** is desirous of obtaining the entire right, title and interest in, to and under the said improvements and the said application;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the said

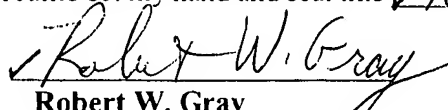
Robert W. Gray and Michael L. Weiner

have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said

Biophan Technologies, Inc.,

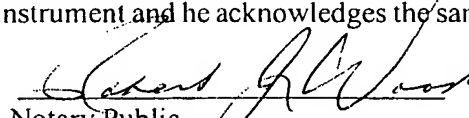
its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10th day of Feb., 2004.


Robert W. Gray

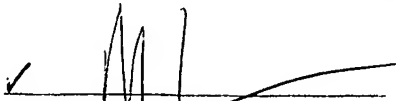
STATE OF NEW YORK
COUNTY OF MONROE : ss.:

On this 10th day of FEBRUARY, 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared **Robert W. Gray**, to me known to be the person of that name, who signed and sealed the foregoing instrument and he acknowledges the same to be his free act and deed.


Notary Public

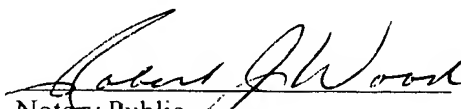
ROBERT J. WOOD
Notary Public in the State of New York
Monroe County
Commission Expires 9/30/05

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16th day of FEBRUARY 2004.


Michael L. Weiner

STATE OF NEW YORK
COUNTY OF MONROE : ss.:

On this 16th day of FEBRUARY, 2004, before me, a Notary Public in and for the State and County aforesaid, personally appeared **Michael L. Weiner**, to me known to be the person of that name, who signed and sealed the foregoing instrument and he acknowledges the same to be his free act and deed.


Notary Public

ROBERT J. WOOD
Notary Public in the State of New York
Monroe County
Commission Expires 9/30/05

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Robert W. Gray, et al.Application No./Patent No.: Filed Herewith Filed/Issue Date: HerewithEntitled: Magnetic Resonance Imaging Interference Immune DeviceBiophan Technologies, Inc.

(Name of Assignee)

a

Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is _____ %
in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.**OR**B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

✓ 2/16/04

Date

(585) 214-2441

Telephone number

Michael L. Weiner

Typed or printed name

✓ [Signature]

Signature

CEO

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT

Whereas, **Paul G. Simpson, III**, an employee of **PL E-Communications, LLC**, contributed to a certain invention relating to "MAGNETIC RESONANCE IMAGING INTERFERENCE IMMUNE DEVICE" and an application for United States Patent therefore, executed on even date herewith;

Now therefore, for good and valuable consideration as set forth in an agreement dated August 25, 2003, receipt of which is hereby acknowledged, be it known that

Paul G. Simpson, III, of 117 Rawlinson Road, Rochester, NY 14617, individually, and

PL E-Communications, LLC, a New York Limited Liability Corporation, with an office at 131 Gould Street, Rochester, NY 14610 United States of America,

have sold, assigned and transferred and by these presents do sell, assign, transfer and set over unto **Biophan Technologies, Inc.**, a Nevada corporation, with an office at 150 Lucius Gordon Drive, Suite 215, West Henrietta, NY 14586, United States of America, its successors, legal representatives, and assigns, their entire right, title and interest in and to the certain invention relating to "MAGNETIC RESONANCE IMAGING INTERFERENCE IMMUNE DEVICE" and the application for United States Patent therefor executed on even date herewith and all original and reissue patents granted thereof, and all divisions and continuations thereof, including the subject matter of any and all claims which may be obtained in every such patent, and all foreign rights to said invention, and covenant that **Paul G. Simpson, III**, and **PL E-Communications, LLC** have the full right to do so, and agree that **Paul G. Simpson, III**, and **PL E-Communications, LLC** will sign all lawful papers, make all rightful oaths and provide reasonable assistance to said company, its successors, assigns, and nominees, to file and obtain proper patent protection for said invention in all countries.

The Commissioner of Patents and Trademarks is requested to issue the Letters Patent which may be granted for said invention or any part thereof unto the said corporation in keeping with this Assignment.

Signed

131 Gould Street
at Rochester, New York 14610 by Elizabeth Gruspier
Elizabeth Gruspier
Owner, PL E-Communications, LLC
on February 12, 2004; and

131 Gould Street
at Rochester, NY 14610 by Paul Simpson
Paul Simpson
Individually
on February 12, 2004.